

REMARKS

This Reply is submitted in response to the final Office Action dated August 10, 2008. Claims 1-49 remain present in this application. In the present Office Action: claims 1-14, 17-30, 33-46, and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0059079 (hereinafter “Negri”) in view of “QoS for Distributed Object Computing Middleware – Fact or Fiction?” (hereinafter “Schmidt”); claims 15, 16, 31, 32, 47, and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Negri in view of Schmidt and “Quality of Service Aware Distributed Object Systems” (hereinafter “Koistinen”).

At the outset, Applicants again note that quality of service specifications have traditionally been encoded within applications, application components, or communication flow elements of a system. In contrast, according to an aspect of Applicants’ claimed subject matter, a quality of service specification is made available to a runtime engine for deployment as a runtime contract (i.e., a contract for service).

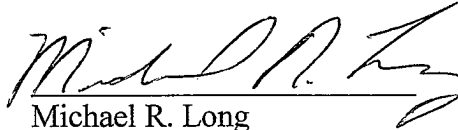
With reference to the rejection of independent claims 1, 18, and 34 in view of Negri, Applicants agree that Negri does not disclose that a quality of service specification is made available to a runtime engine for deployment as a runtime contract in a runtime processing environment. However, Applicants do not agree that it would have been obvious to modify Negri’s disclosed system to derive a runtime contract from a service delivery model. For example, among other deficiencies, Negri does not teach (or suggest) the derivation of a runtime contract from a quality of service specification (that is derived by a quality of service specification derivation element that tests components and relations between the components) or for that matter the use of runtime contracts. Moreover, Applicants note that the stated rationale for declaring Applicants’ claimed subject matter obvious (i.e., that “[t]he service delivery model in Negri would help ‘ensuring the quality of eService delivery (0023)’ when deployed at runtime”), while convoluted, appears to be based solely on hindsight in view of Applicants’ own disclosure as the Office Action has once again failed to cite any prior art reference in support of the position. Again, Applicants respectfully request that the Examiner provide a prior art reference that supports the position.

For at least the reasons set forth above, Applicants respectfully submit that Applicants’ independent claims 1, 18, and 34 are allowable over the applied art of record. Additionally,

Applicants respectfully submit that dependent claims 2-17, 19-33, and 35-49 are also allowable for at least the reason that the claims depend on allowable claims.

Prior to action on this Reply, Applicants request a telephone interview with the Examiner. The undersigned attorney may be reached at (512) 617-5521.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael R. Long", written over a horizontal line.

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